



Compliant Regards Environmental, health, safety and waste at Simmer and Jack Landfill Site

Date	24 March 2023
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Objected Address	Meade Cres Elandsfontein Germiston (Simmer and Jack Landfill site)

The ongoing problem

Waste from the communities create not only an aesthetic issue but most importantly pose a severe health risk if its is not properly controlled. This risk is increased if the waste contains hazardous materials.

Local authorities can and must be held criminally responsible for acts of negligence that affect residents' health and cause pollution and have lack of security on the site where by lives are lost. Local authorities can be held civilly liable for associated financial costs relating to the closing and rehabilitation of polluted soil or land intended for urban development. The AQI (air quality index) is normally 2.0x higher than the recommended WHO international air quality guidelines. Our moderate or Good AQI is normally 1.6x higher and pm2.5 in the air and this poses uncalculated health risks.

The ongoing security issues that have come to light in recent years have directly impeded on that of the lives of the community and a call must be made to deploy the Defence force or a permanent Police site placed at the simmer and Jack mine /landfill site. Our local municipality is clearly out their depth and urgent intervention is needed.

The waste generated by our residents in towns and cities can be detrimental to their health and the surrounding environment if:

- The landfill is located where people live
- The landfill is poorly designed or developed (leached or toxic water gets into the groundwater, reservoirs and rivers)
- The landfill sites are poorly managed (not fenced, access control is not applied, animal carcasses are dumped or the waste is not compacted n daily)
- The waste is not taken to properly managed landfill site but illegally dumped on open land
- Contractors are not compliant

People living near to a landfill site are exposed to a number of risks and hazards:

- Very unsafe, noisy, smelly and visually unattractive
- Vehicles can pose safety risks
- Fires on the site do pollute the air
- Gases on landfills cause explosions
- Pollution penetrates the water resources and soil
- Residents can develop cancer or asthma and other respiratory issues
- Birth defects can occur in children growing up close to landfill site
- Sites attract animals and insects and with these germs, diseases for example Rats, mice and flies who are in direct contact with the site



Security issues:

- Fencing and parameter is not closed off
- Access control is not properly in place
- Improper closure of the old gold mine underneath, shafts and entry ways are found all over the landfill site
- Illegal Miners (Zama Zama's) are in constant war amongst each other, waste reclaimers, Police force, CPF and local security firms
- Innocent lives have been lost due to stray bullets between the miners under the dump and Police forces
- Gun fights are now happening in the surrounding schools, worship places and residential homes
- Landfill site has been over run by these miners and closed for a number weeks due to criminal activities causing service delivery backlogs
- No adequate lighting in the dump or on the streets
- Explosions are heard at the site
- Ongoing fires on the landfill which are toxic

Its now clear that the current contractor is not concerned with our regulations, by-laws or lives of the community and the Primrose Ratepayers want answers as to how the tender was awarded to this firm and we would like to know what consulting firm is now over seeing the operations and licensing of the contractor, as clearly this is not being done.

The previous consulting firm Nemaï had monthly and quarterly meetings scheduled with all stakeholders but it seems this is not happening anymore; our ward councillors find it hard to have scheduled meetings on the site.

The Act

General checklist for **MINIMUM** requirements of landfill sites **(obtained from afriforums Lambert De Klerk's project)**

1. Access control
 - 1.1 signs – **Non compliant**
 - 1.2 Road access – **non-complaint**
 - 1.3 Access control and security – **non-compliant**
 - 1.4 Waste acceptance and waste types – **non-compliant**
2. Resources
 - 2.1 Infrastructure – **Non-compliant**
 - 2.2 Equipment – **Non-compliant**
 - 2.3 Staff – adequately trained and operated – **non-compliant** | (no report received)
 - 2.4 Environmental impact analysis – **not provided**
3. Operations
 - 3.1 Operating plan – **never provided to public**
 - 3.1.1 Excavation sequence
 - 3.1.2 Projected development of landfill
 - 3.1.3 Daily cell construction
 - 3.1.4 Provision of wet weather cells
 - 3.1.5 Site access
 - 3.1.6 Drainage
 - 3.1.7 Operating monitoring procedures including the role of the monitoring committee
 - 3.1.8 Action plans in response to problems



- 3.2 Site development and cells – **non-compliant**
 - 3.2.1 compacting of waste daily
 - 3.2.2 easily accessible in wet weather
- 3.3 Control of Nuisances
- 3.4 Waste reclamation is permitted – **non-Compliant**
- 3.5 Prohibited waste – **non-compliant**
- 4. **Drainage – ongoing non-compliance**
 - 4.1 storm water drainage
 - 4.2 Drainage maintained to promote run-off
 - 4.3 All contaminated water and leachate contained in sum or retention dam
- 5. **Monitoring and record keeping – non-compliant**
 - 5.1 records keep of all waste
 - 5.2 Does the landfill site have a permit or waste management licence? What is the permit or licence number? A copy of the permit/licence should be available on site.
 - 5.3 What Is the correct PPE issued to workers
 - 5.4 Is the site audited yearly and why has this not been provided to the public for comment
 - 5.5 Is the landfill audit committee with the municipality of which the **COMMUNITY** can form part of

The above-mentioned requirements for the site have long been an issue and the mismanagement of the site has now caused the criminal elements to start taking control of our community. The community is aware of the lack of landfill sites in Gauteng and do not expect this site to be closed unless these issues are not addressed. The primrose Rate payers will be informing the SAHRC of the misconduct and lawlessness that has come over our community, not only the suburbs but our informal settlements as well. We all have a right to safe environment!

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Chapter 4 - Environmental Law

The Constitution

The Constitution of the Republic of South Africa Act (Act 108 of 1996) is the supreme law of the land and has a number of sections that are relevant to the environment.

The environmental right - Section 24

Section 24 of the Constitution states that:

Everyone has the right to:

- an environment which is not harmful to their health or well-being
- have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that:
- prevent pollution and ecological degradation
- promote conservation
- secure ecologically sustainable development and use of natural resources, while promoting justifiable economic and social development.

Section 24 has two important consequences:

- It protects our health and well-being



- It places a duty on the state, on business, and on all South Africans, to prevent pollution and other damage to the environment, and to promote conservation and sustainable development. Every government authority national, provincial and local has a duty to take reasonable steps, in its current functions as well as future plans, to prevent pollution, promote conservation and ensure sustainable development.

Other rights relevant to the environment

The Constitution recognizes the general need to improve the quality of life of all citizens. These constitutional rights can be used to support reasonable environmental demands. Other fundamental rights in the Constitution which support environmental demands include:

- The right to life (Section 11)
- The right to human dignity (Section 10)
- The right to privacy (Section 14)
- Certain socio-economic rights.

Socio-economic rights relevant to environmental rights:

- the right of access to adequate housing (Section 26).
- the right of access to sufficient food and water (Section 27).
- the right of access to health care services (Section 27).
- the rights of children to basic nutrition and shelter, and to be protected from maltreatment, neglect, abuse or degradation (Section 28).

Enforcement of rights

Section 38. Anyone listed in this section has the right to approach a competent court, alleging that a right in the Bill of Rights has been infringed or threatened, and the court may grant appropriate relief, including a declaration of rights. The persons who may approach a court are—

- (a) anyone acting in their own interest;
- (b) anyone acting on behalf of another person who cannot act in their own name;
- (c) anyone acting as a member of, or in the interest of, a group or class of persons;
- (d) anyone acting in the public interest; and
- (e) an association acting in the interest of its members.

Signed:



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